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5  
6 Attorney for Plaintiff  
KELLY MICHEALS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KELLY MICHAELS.

Case No. C 12-02034 JCS

**Plaintiff,**

V.

GOOGLE INC,

## Defendant

**PLAINTIFF'S NOTICE OF VOLUNTARY  
DISMISSAL WITHOUT PREJUDICE  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 41 (a)(1)**

TO THE HONORABLE JUDGE OF SAID COURT:

I.

**PLEASE TAKE NOTICE** that Plaintiff KELLY MICHAELS (“Plaintiff”) pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses all claims in this action *without prejudice* as to Defendant Google Inc.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

**(a) Voluntary Dismissal.**

**(1) By the Plaintiff.**

**(A) Without a Court Order.** Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

1                             (i) a notice of dismissal before the opposing party serves either an answer  
2                                 or a motion for summary judgment

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6                             Defendant has neither answered Plaintiff's Complaint, nor filed a motion for summary  
7                             judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of  
the Court.

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9                             Dated: May 16, 2012

10                          By: /s/ Eric H. Findlay

11                          Eric H. Findlay

12                          State Bar No. 00789886

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20                          ATTORNEY FOR PLAINTIFF  
21                          KELLY MICHAELS

22                          **CERTIFICATE OF SERVICE**

23                          The undersigned hereby certifies that counsel of record who are deemed to have consented  
24                          to electronic service are being served with a copy of this **NOTICE OF VOLUNTARY**  
25                          **DISMISSAL**, *via* the Court's CM/ECF system per Local Rule CV-5-5(b) on this the 16<sup>th</sup> day of  
26                          May 2012.

27                          /s/ Eric H. Findlay  
28                          Eric H. Findlay